

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

Diane Roark, *Pro se*,

Case No.: 6:12-CV-01354-AA

Plaintiff,

v.

**Plaintiff Roark's MOTION
TO COMPEL RELEASE OF
DOCUMENTS**

United States of America,

Defendant.

INTRODUCTION

In reply to Plaintiff's Complaint, Respondent has moved to dismiss all constitutional aspects of Plaintiff's lawsuit, leaving only a remaining Fed.R Civ.P. 41(g) return of property claim for litigation. Because the case has not yet progressed to the Discovery phase, Plaintiff motions to compel the release of documents that necessarily help establish the constitutional claims. A separate Memorandum in Support of the Motion to Compel Release of Documents is appended.

MOTION

Plaintiff moves to compel release of the following documents and information:

- A. A copy of the affidavit and related records justifying the July 26, 2007 search of her home, including the specific statute and sections thereof under which the warrant for

the July 26, 2007 search was sought and granted;

B. All documents related to any other incursions on or bordering Plaintiff's property and/or searches of her residence, outbuildings, or motor vehicles, including:

1) the dates and specific purposes of the searches or incursions;

2) the justification for such actions, including release of affidavits, warrants and related records such as the specific statute and provisions thereof under which the searches, surveillance or incursions were undertaken;

3) all activities that took place during these searches or incursions, such as photographs taken, copies made, tangibles seized, items tampered with (e.g., computer or telephone); and

4) any items left or capabilities implanted at the property, such as trackers or sensors, indicators that there had been an incursion and surveillance, etc.

C. Grand jury subpoenas for Plaintiff's telephone, email or other records, and for witnesses to testify against her, and the testimony of such witnesses;

D. Legal and factual justification and dates for all wiretap applications and renewals; prosecutor annual or other wiretap reports, and equivalent data for any other electronic or sensor implants;

E. Exercise of any other means to collect, track, monitor or analyze Plaintiff's activities, communications and personal records, including but not limited to those stored at businesses and by agencies of the U.S. Government. See attached Memo in Support of this motion for discussion of the types of records potentially involved.

F. A detailed list of the types and quantities of Plaintiff's seized property that Plaintiff has sought and that Respondent has refused to return, other than the computer

and its contents, and the justification for refusing to return each type of property. The description of items should be sufficient to determine the general identity and quantity of the material, for example: file names of newspaper clippings and similar public papers, and total height in inches of these papers and files, including loose, unfiled items; and in similar fashion, the file names of other respective types of hard copy documents, such as computer printouts of emails relating to the National Security Agency, with the total height in inches of the files and loose papers for these respective types of documents.

G. A copy of a draft indictment of Thomas Drake, naming Plaintiff and others as co-conspirators, that was replaced by a different indictment but that was later released to the public.

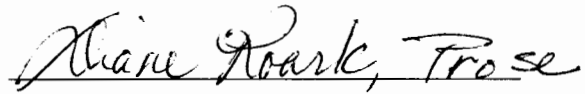
H. FBI notes and transcript of Plaintiff's voluntary meeting with FBI and DoJ personnel in February, 2007.

I. Letter from the National Security Agency to Senator Ron Wyden stating that Plaintiff had signed a nondisclosure agreement permitting NSA to redact unclassified information. (Probable 2007 time frame.)

CONCLUSION

This list of items and information possessed by the Government relates directly to issues now being considered for disposition by the Court. At the Court's discretion, Plaintiff urges that they be considered for release, especially if the Court is contemplating partial or full approval of the Government motion to dismiss all constitutional issues.

Respectfully submitted,

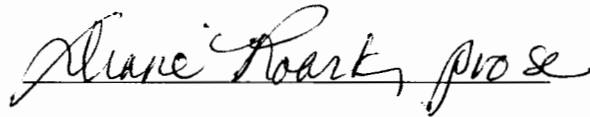
A handwritten signature in cursive script that reads "Diane Roark, Pro se". The signature is written in dark ink and is positioned above the printed name.

Diane Roark, *Pro se*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Motion to Compel Release of Documents** was delivered to Respondent James E. Cox, Jr. on December 14, 2012, via email to the following address:

Jim.Cox@usdoj.gov

A handwritten signature in cursive script that reads "Diane Roark, pro se". The signature is written in dark ink and is positioned above the printed name.

Diane Roark, *Pro se*